

1 CRAIG SMITH COVER LETTER - CLERK OF COURT, SUPERIOR

2 521-118, P.O. BOX 799005

3 SAN DIEGO, CA. 92179

4 CAC# T09268

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SUPERIOR COURT OF CALIFORNIA

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IN AND FOR THE COUNTY OF SAN DIEGO

8

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07CV2077BTM(RBB)

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NOTICE OF CIVIL COMPLAINT

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UNDER CIVIL RIGHTS ACT

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42 U.S.C. § 1983

13

AND COPY OF COMPLAINT

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TO CLERK OF SUPERIOR COURT, I CRAIG SMITH FILED A COMPLAINT TO THE  
UNITED STATES DISTRICT COURT, SOUTHERN DISTRICT OF CALIFORNIA VIA MAIL ON OCTOBER  
23, 2007, THE DEFENDANTS IN THE ACTION, WERE ALL INVOLVED IN A CRIMINAL  
CASE # SC0195342, IN DEPT. 6 IN THE ABOVE COURT, I MAILED YOU COPY OF THE  
COMPLAINT TO BE DISTRIBUTED, RATHER DELIVERED TO THE DEFENDANTS, THIS WAS INDICATED  
ON THE PROOF OF SERVICE, DATED 10-30-07, SEE ATTACHED COPY YOU SENT BACK TO ME.

I AM INCARCERATED AT RICHARD J. DONOVAN CORRECTIONAL FACILITY, AND INDIGENT IN  
MOST PART, BUT TRY TO FILL REQUIREMENT, THE DEFENDANTS:

1. DISTRICT ATTORNEY - DAN LINK, INDIVIDUAL AND OFFICIAL CAPACITY, "COUNTY OF SAN DIEGO,"
2. SAN DIEGO POLICE OFFICER - NICHOLAS GONZALEZ, INDIVIDUAL AND OFFICIAL "CITY OF SAN DIEGO"
3. SUPERIOR COURT JUDGE - ALBERT HAROTUNIAN III, INDIVIDUAL

THE 5 DEFENDANTS MUST BE NOTIFIED OF A CIVIL COMPLAINT AGAINST THEM, A FAIR  
NOTICE OF WHAT PLAINTIFF'S CLAIM IS AND THE GROUNDS, I AM DOING MY BEST TO GIVE NOTICE  
TO THE DEFENDANTS AS LISTED ON THE PROOF OF SERVICE DATED 10-30-07, I SENT A COPY TO  
THE "CITY CLERK" AND "COUNTY CLERK" IN HOPE'S MY METHOD WAS APPROPRIATE, BEING

1 THAT I'M INCARCERATED AND DON'T HAVE THE MEANS TO HAND DOWN THE COMPLAINT TO ALL  
 2 DEFENDANTS, THERE IS NO METHOD FOR MYSELF TO KNOW ADDRESSES OF THE JUDGE,  
 3 DISTRICT ATTORNEY OR POLICE OFFICER, I DEEM IT APPROPRIATE TO DELIVER A COPY TO THE  
 4 CLERK OF COURT, SUPERIOR COURT, AND THE METHOD BE THAT, U.S. MARSHALL, SHERIFF, OR  
 5 WHATEVER IS APPROPRIATE TO DELIVER A COPY TO THE DEFENDANTS, AND IF IT IS REQUIRED  
 6 FOR ME TO PROVIDE MORE COPIES, TO BE TOLD SO FOR IT COST MYSELF TO MAKE THE COPY,  
 7 AND TO MAIL IT, UNFORTUNATELY I GET PAID HERE ONCE A MONTH, AND IT IS VERY LITTLE,  
 8 THEREFORE TO MAIL COPIES, HAVE IT SENT BACK, AND I RE-MAIL IT AGAIN IS MONEY I DON'T HAVE,  
 9 BUT WILL TRY TO DO THE BEST I CAN

10 I HAVE SOUGHT THE METHOD TO NOTIFY DEFENDANTS VIA APPOINTED APPELLATE  
 11 ATTORNEY, WHICH HE WILL NOT ADVISED, PER HE STATES HIS SCOPE IS ONLY ON THE APPEAL, LAW  
 12 LIBRARY HELP HERE ALSO DO NOT KNOW, THEREFORE I MUST DO THE BEST I CAN, I WILL ALSO  
 13 SEND THESE ATTEMPTS TO THE DISTRICT COURT, FOR THAT COURT TO KNOW, I AM DILIGENTLY  
 14 SEEKING TO GIVE FAIR NOTICE AND A COPY TO THE DEFENDANTS, I RESPECTFULLY REQUEST  
 15 THE COURT CLERK TO PROPERLY PROVIDE, OR TO ENSURE THE PROPER NOTIFICATION IS DONE.

16  
 17 I DECLARE UNDER THE LAWS OF THE STATE OF CALIFORNIA, UNDER THE PENALTY OF  
 18 PERJURY FOR THE ABOVE TO BE TRUE AND CORRECT, EXECUTED HERE AT RICHARD J. DONOVAN  
 19 CORRECTIONAL FACILITY THIS 12 DAY OF NOVEMBER.

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**SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO**

- ☒ CENTRAL, P.O. BOX 120128, 330 W. BROADWAY, SAN DIEGO, CA 92112-0128,  
(619) 531-3141 (CIVIL) (619) 615-6358 (UNLAWFUL DETAINER)  
☐ KEARNY MESA, 8950 CLAIREMONT MESA BLVD., SAN DIEGO, CA. 92123-1187, (858) 694-2066  
☐ NORTH COUNTY, 325 S. MELROSE DR., VISTA, CA 92083-6698, (760) 726-9595  
☐ EAST COUNTY, 250 E. MAIN ST., EL CAJON, CA 92020-3941, (619) 441-4461  
☐ RAMONA, 1428 MONTECITO RD., RAMONA, CA 92065-5201, (760) 738-2435  
☐ SOUTH COUNTY, 500 3<sup>RD</sup> AVE., CHULA VISTA, CA 91910-5649, (619) 691-4780

*NO ACTION*

*JUST A COPY  
FOR RECORDS*

CASE NUMBER: None assigned

We are unable to process the attached COMPLAINT for the reasons indicated below:

This is the wrong court, according to the caption on your Complaint that reads "United States District Court, Southern District of California. Their address is

CLERK OF THE COURT

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

United States Courthouse

880 Front Street, Room 4290

San Diego, CA 92101

**Please return this form when you resubmit your document(s) and enclose a self-addressed envelope large enough for all documents, stamped with sufficient postage.**

CLERK OF THE SUPERIOR COURT

Date: 11/7/2007

By: B.F., Deputy

☐ Checks Returned

Returned to ☒ Plaintiff ☐ Defendant ☐ Attorney via: U.S. Mail

PROOF OF SERVICE BY MAIL

STATE OF CALIFORNIA )  
 ) SS  
 COUNTY OF SAN DIEGO )

CRAIG SMITH T09268

[C.C.P. §§ 446, 2015.5; 28 U.S.C. §1746]

ROBINSON JAMES am a resident of the State of California and am over the age of eighteen years and am not a party to the above-entitled action. My address is listed below.

On 10-30-07, I served the following documents:

COPIES OF THE CIVIL RIGHTS COMPLAINT UNDER 42 U.S.C. § 1983, THE ORIGINAL WAS FILED VIA MAIL, SUBMITTED 10-23-07, TO THE U.S. DISTRICT COURT, SOUTHERN DISTRICT OF CALIFORNIA, DUE TO THE SAN DIEGO COUNTY FIRES AT THAT TIME, AND PRISON 5 YARD LOCKDOWN AFTER, COPIES TO THE DISTRICT COURT AND DEFENDANTS WERE NOT ACCESSIBLE AT THAT TIME

by placing a true copy thereof enclosed in a sealed envelope with First Class postage thereon fully prepaid in the United States Mail by delivering to prison officials for processing through the Institution's internal legal mail system at San Diego California, addressed as follows::

CLERK OF U.S. DISTRICT COURT  
 Room 4290  
 880 FRONT STREET  
 SAN DIEGO, CA. 92101-8900

COUNTY CLERK  
 COUNTY ADMINISTRATION CENTER  
 1600 PACIFIC HIGHWAY, S  
 SAN DIEGO CA. 92101

CLERK OF SUPERIOR COURT  
 PLEASE PROVIDE COPIES  
 TO DEFENDANTS:  
 NICHOLAS GONZALEZ,

CITY CLERK  
 CITY OF SAN DIEGO, COUNCIL OFFICES  
 202 C ST.  
 SAN DIEGO, CA. 92101

CLERK OF COURT  
 SUPERIOR COURT OF CALIFORNIA  
 COUNTY OF SAN DIEGO  
 220 WEST BROADWAY  
 SAN DIEGO, CA. 92101

DAN LINK,  
 ALBERT HARUTUNIAN III,  
 AND THE COUNTY, AND CITY  
 OF SAN DIEGO, IF ADDRESS  
 PERTAIN HERE IS NOT  
 APPROPRIATE, THANK YOU

I declare under penalty of perjury under the laws of the State of California and the United States of America that the foregoing is true and correct. Executed in the County of San Diego, California on 10-30-07

ROBINSON JAMES

5-21

P.O. Box 799005San Diego, CA 92179-9005

Pursuant to the holding of the United States Supreme Court in Houston v. Lack 108 S. Ct. 2379, 487 U.S. 266, 101 L.Ed.2d 245 (1988) and FRAP, Rule 4 (c) inmate legal documents are deemed filed on the date they are delivered to prison staff for processing and mailing via the Institution's internal legal mail procedures.

2  
 ADDITIONAL  
 COPIES ->  
 ORIGINAL  
 PRESENTED  
 10-23-07

**PROOF OF SERVICE BY MAIL**

STATE OF CALIFORNIA )  
 ) SS  
COUNTY OF SAN DIEGO )

CRAIG SMITH T09268

[C.C.P. §§ 446, 2015.5; 28 U.S.C. §1746]

I, James Humphrey, am a resident of the State of California and am over the age of eighteen years and am not a party to the above-entitled action. My address is listed below.

On 11-14-07, I served the following documents:

NOTICE OF CIVIL COMPLAINT UNDER CIVIL RIGHTS ACT 42 U.S.C. §1983  
"2nd ATTEMPT"

by placing a true copy thereof enclosed in a sealed envelope with First Class postage thereon fully prepaid in the United States Mail by delivering to prison officials for processing through the Institution's internal legal mail system at San Diego California, addressed as follows::

CLERK OF COURT  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SAN DIEGO  
220 W. BROADWAY  
SAN DIEGO, CA. 92101

CC: JUST A COPY FOR THE DISTRICT COURT RECORDS  
CLERK OF U.S. DISTRICT COURT  
ROOM 4290  
880 FRONT STREET  
SAN DIEGO, CA. 92101-8900

I declare under penalty of perjury under the laws of the State of California and the United States of America that the foregoing is true and correct. Executed in the County of San Diego, California on 11-14-07 James Humphrey

JAMES HUMPHREY

21-116

P.O. Box 799005  
San Diego, CA 92179-900 5

Pursuant to the holding of the United States Supreme Court in Houston v. Lack 108 S. Ct. 2379, 487 U.S. 266, 101 L.Ed.2d 245 (1988) and FRAP, Rule 4 (c) inmate legal documents are deemed filed on the date they are delivered to prison staff for processing and mailing via the Institution's internal legal mail procedures.